Page 1 of 2 Rg MAR 2 6 2007

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IFW/

Serial No. 10/566,822

Filed: January 31, 2006

For: METHOD OF EVALUATING COMPUND EFFICACIOUS

IN TREATING OBESITYBY USING Sic25a10

| Art Onit. | 1014 |
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Examiner: Not Yet Assigned

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention.

 In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Janua P. Beton Date 3/20/07

RELATED APPLICATION

INFORMATION DISCLOSURE STATEMENT

1

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| | U. S. SERIAL NUMBER | FILING DATE | MERCK CASE |
|----------|--|---|-----------------------------|
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| If th | nis is inconvenient, additional copies will be submitted upon reque | est. | · <u>, L</u> |
| (| 6. In accordance with 37 C.F.R. 1.97, (check one) | | |
| | the attached information is filed within three months of the filing of | date of the captioned case. | i v |
| <u> </u> | the attached information is filed more than three months after the Office Action on the merits. | • | mailing of a first |
| | the attached information is filed before the mailing of a first Office examination under §1.114. | | request for continued |
| | the attached information is being filed more than three months a Office Action on the merits, but before the mailing date of a Fina otherwise closes prosecution in the application. The enclosed at Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p | Action, Notice of Allowance of Allowance of Allowance of the state of | e, or an action that |
| | each item of information contained in this Information Disclosure from a foreign patent office in a counterpart foreign application in Statement. | | |
| | each item of information contained in the information disclosure a foreign patent office in a counterpart application and this communication §1.56(c) more than thirty days prior to the filing of | nunication was not received | l by any individual |
| | no item of information contained in this Information Disclosure S foreign patent office in a counterpart foreign application, and, to after making reasonable inquiry, was known to any individual demonths prior to the filing of this Statement. | the knowledge of the persor | n signing the certification |
| | | Respectfully submitted, | |
| | | Hed In Strine | |
| | | By: Heidi M. Struse | |
| | | Attorney For Ap | plicant(s) |
| | | Reg. No. 50,288 | |

MERCK & CO., INC. Patent Dept., RY60-30

Rahway, N.J. 07065-0907

Date: March 22, 2007

P.O. Box 2000

(732)594-0238

| | Substitute for form 1449B/PTO | | COMPLETE IF KNOWN | | | |
|------|--|------|-------------------|------------------------|------------------|---|
| | INFORMATION | DISC | LOSURE | Application Number | 10/566,822 | |
| PATE | STATEMENT BY APPLICANT MAR 2 6 2007 (use the many sheets as necessary) | | | Filing Date | January 31, 2006 | |
| | | | | First Named Inventor | Kotani et al. | |
| | | | | Group Art Unit | 1614 | |
| | | | | Examiner Name | | |
| | Sheet 1 | of | 1 | Attorney Docket Number | BY0029Y | _ |

| Yeast and Caenorhabditis | | | | | | |
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| Yeast and Caenorhabditis | | | | | | |
| Fiermonte, G., et al., "The sequence Bacterial Expression, and Functional Reconstitution of the Rat Mitochondrial Dicarboxylate Transporter Cloned via Distant Homologs in Yeast and Caenorhabditis elegans", The Journal of Biological Chemistry, Vol. 273, pp. 24754-24759 (1998) | | | | | | |
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| Yi, X. X., et al., "Overexpression of the Human 2-Oxoglutarate Carrier Lowers Mitochondrial Membrane Potential in HEK-293 cells: Contrast with the Unique Cold-induced Mitochondrial Carrier CGI-69", Biochemical Journal, vol. 353, pp. 369-375 (2001) | | | | | | |
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| Examiner Signature | Date Considered | |

^{*}Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.